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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,479	02/04/2004	Les Jioia	G845	2849
39747	7590	08/31/2005	EXAMINER	
GOLDSTEIN LAW OFFICES, P.C. 2071 CLOVE ROAD - 204 STATEN ISLAND, NY 10304			SHAKERI, HADI	
			ART UNIT	PAPER NUMBER
			3723	

DATE MAILED: 08/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/771,479	Applicant(s) JIOIA, LES
	Examiner Hadi Shakeri	Art Unit 3723

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.

- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.

- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.

- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on \_\_\_\_.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-14 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_ is/are allowed.

6) Claim(s) 1-14 is/are rejected.

7) Claim(s) \_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 04 February 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>020404</u> .	6) <input type="checkbox"/> Other: ____.

## DETAILED ACTION

### ***Claim Objections***

1. Claims 1-14 are objected to because of the following informalities: language regarding the "user having arms having hands" in claim 1 and the narrative language regarding the user in the other claims are objected to. It does not add any patentable weight to the claims, rather renders them inappropriate. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 8 recites the limitation "the elongated strip" in line 2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

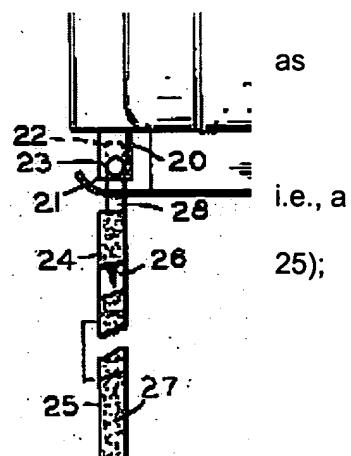
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2 and 14 are rejected under 35 U.S.C. 102(b)

being anticipated by Barnes (3,914,906).

Barnes discloses all of the limitations of claims 1 and 14, sanding attachment comprising an elongated strip of metal (blade



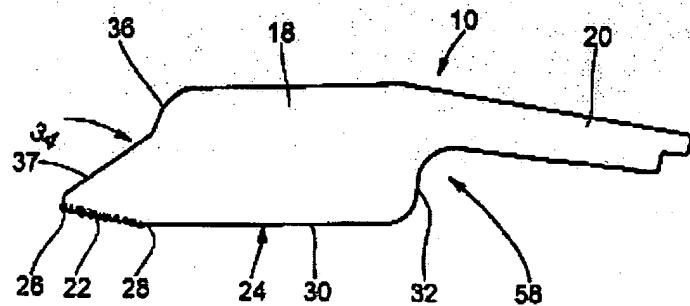
Art Unit: 3723

an attachment end (28); a sanding end having a sanding strip (27); and at least one bend, Fig. 14.

Regarding claims 2 and 14, Baron meets the limitations, i.e., the bend having sufficient angle, and e.g., vertically lowering the tool, removing the attachment and storing all inherent.

7. Claims 1-3 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Romagnoli (6,149,510).

Romagnoli discloses all of the limitations of claims 1 and 14, i.e., a sanding attachment comprising an elongated strip of metal (10); an attachment end (20); top and bottom surfaces (38, 24); a sanding end having a sanding strip (22); and at least one bend, (either notch 58, defining two bends or acute angle defined by 37).



Regarding claims 2-3, Romagnoli meets the limitations, i.e., the bend having sufficient angle; bends 58 and 37; sanding strip.

#### ***Claim Rejections - 35 USC § 103***

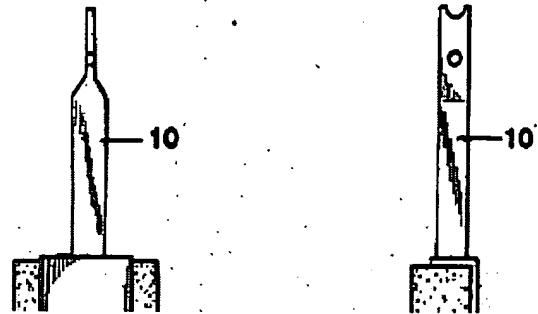
8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnes in view of Harris (4,707,947).

Barnes meets all of the limitations of claim 3, i.e., two bends as shown in Fig. 14, except for disclosing an attachment end, which is perpendicular to the sanding end.

Harris teaches sanding attachment including embodiments wherein the attachment end is having a parallel plane with the sanding end or the rest of the blade, Fig. 2, like the arrangement disclosed by Barnes and attachment end perpendicular to the rest of the blade, Fig. 1. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the invention of Barnes with attachment end as taught by Harries to adapt the sanding attachment for a particular power tool requiring such arrangement.



Regarding claims 4-6, Barnes as modified by Harris meets all the limitations, i.e., substantially rectangular sanding strip, Figs. 14 and 9; tap with U-shaped slot (Figs. 4 and 5 Barnes), except for using a metal strip for the sanding end, however, using rigid abrasives, depending on the intended use, is a modification well within the knowledge of one of ordinary skill in the art.

Regarding claims 7 and 8, Barnes as modified by Harris and further modified in view of preferred choice of material for the intended use as in claim 4, meets all the limitations, except for the means of attaching the strip to the blade, it however discloses a detachable means for the abrasives and using rigid abrasives attached to the blade by a detachable means, e.g., screws, depending on the intended use, is a modification well within the knowledge of one of ordinary skill in the art, meeting all the limitations of claim 8, i.e., substantially elongated strip, Figs. 14 and 9; tap with U-shaped slot (Figs. 4 and 5 Barnes).

Regarding claims 9 and 10-12, Barnes as modified by Harris further modified as in claim 7, meets all the limitations, as indicated above, except for chamfered corners, however, rounding or chamfering the corners, for safety reasons, is a modification well within the knowledge of one of ordinary skill in the art, meeting all the limitations of claims 10 and 11, i.e.,

blade made of band saw steel (03:27-28). As indicated above using rigid sanding strip, e.g., made of metal, for the intended use is a modification within the knowledge of one of ordinary skill in the art and since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Regarding claim 13, Barnes as modified by Harris meets the limitations, i.e., variety of shapes (03:36).

10. Claims 4-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Romagnoli.

Romagnoli meets all of the limitations of claim 4, i.e., metal sanding surface except for disclosing a rectangular shape.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a rectangular strip, since it has been held that changing shape, dependent on work-piece parameters, involves only routine skill in the art. *In re Stevens*, 101 US PQ 284(CCPA1954) and since Romagnoli discloses that the configuration of the blade depends on the intended use, e.g., 03:51.

Regarding claim 5, Romagnoli as modified above meets the limitations.

Regarding claim 6, Romagnoli as modified above meets all the limitations, except for disclosing a U-shape slot in the tab (44), however, modifying the tab with a U-shaped slot is considered modification regarding changing shape, dependent on work-piece parameters, i.e., adapting the strip for a tool requiring such arrangement, which involves only routine skill in the art. *In re Stevens*, 101 US PQ 284(CCPA1954).

Regarding claim 7, Romagnoli as modified above meets all the limitations, except for disclosing the means of attaching the strip to the blade, obvious modification as indicated above in section 9.

Regarding claims 8-13, Romagnoli as modified above meets the limitations, e.g., substantially rectangular (e.g., Fig. 1 or 4); rounded corners e.g., 32, 36; steel material 05:37; toothed blade 66; variety of shape and sizes depending on the intended use.

### ***Conclusion***

11. Prior art made of record and not relied upon are considered pertinent to applicant's disclosure. Riedl is cited to show related inventions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is (571) 272-4495. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hadi Shakeri  
Primary Examiner  
Art Unit 3723  
August 29, 2005